

**UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (CGM)

SIPA LIQUIDATION

(Substantively Consolidated)

In re

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Substantively  
Consolidated SIPA Liquidation of Bernard L. Madoff  
Investment Securities LLC and the Chapter 7 Estate of  
Bernard L. Madoff,

Plaintiff,

v.

BANQUE CANTONALE VAUDOISE,

Defendant.

Adv. Pro. No. 12-01694 (CGM)

**ORDER DENYING BANQUE CANTONALE  
VAUDOISE'S MOTION TO DISMISS THE COMPLAINT**

Defendant Banque Cantonale Vaudoise's motion to dismiss the Complaint under Bankruptcy Rule 7012(b) and Federal Rule of Civil Procedure 12(b)(6) (the "**Motion**") was scheduled for a hearing before the Court on July 13, 2022. The parties, however, stipulated to rest on their papers and waive oral argument on the Motion. The Court has considered the Motion, the

papers filed in support of and in opposition to the Motion, and the Complaint, and the Court has issued a memorandum decision, dated July 14, 2022, regarding the Motion (the “**Decision**”).

Based on the record in this adversary proceeding, including the Decision, **IT IS ORDERED:**

1. The Motion to dismiss the Complaint is denied.
2. The deadline for Banque Cantonale Vaudoise to file an answer to the Complaint is September 30, 2022.
3. The Court shall retain jurisdiction to implement or enforce this Order.

**Dated: July 21, 2022**  
**Poughkeepsie, New York**



**/s/ Cecelia G. Morris**

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**Hon. Cecelia G. Morris**  
**U.S. Bankruptcy Judge**